

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY

DECOTIIS, FITZPATRICK & COLE, LLP

Glenpointe Centre West

500 Frank W. Burr Boulevard

Teaneck, New Jersey 07666

(201) 928-1100

Email: jsmith@decotiislaw.com

Attorneys for Plaintiff Texas Eastern Transmission, LP

<p>TEXAS EASTERN TRANSMISSION, LP, a limited partnership of the State of Delaware</p> <p style="text-align: right;">Plaintiff,</p> <p>v.</p> <p>0.077 Acres Of Land, More or Less, In The City of Jersey City, Hudson County, New Jersey; COLES JERSEY DEVELOPMENT CO., LLC; OGDEN REALTY CO.; JANE AND JOHN DOES 1 through 50 (fictitious name defendants); and ABC BUSINESS ENTITIES 1 through 50 (fictitious name defendants),</p> <p style="text-align: right;">Defendants.</p>	<p>Civil Action No. _____</p> <p style="text-align: center;">NOTICE OF CONDEMNATION</p>
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NAME AND ADDRESS OF RECORD OWNER:

COLES JERSEY DEVELOPMENT CO., LLC

Attn: Kevin T. O'Brien, Esq.

Norris, McLaughlin & Marcus

721 Route 202-206, Suite 200

Bridgewater, New Jersey 08807

YOU ARE HEREBY NOTIFIED that a Complaint in Condemnation has been filed by Texas Eastern Transmission, LP, in the Office of the Clerk of the United States District Court for the District of New Jersey, in the United States Courthouse in Newark, New Jersey, for the taking of permanent and temporary easements, across property identified on the Official Tax Map of Jersey City as follows: a 0.077 acre permanent easement as shown on Tract HUD-98.3,

a copy of which is attached hereto as **Exhibit A**.

A copy of the Verified Complaint is served herewith. The authority for this taking is a law of the United States found at 15 U.S.C. § 717 et. seq., commonly known as the Natural Gas Act, which act at § 717(f)(h) authorizes the taking of property to construct, operate, and maintain a natural gas pipeline after having received a Certificate of Public Convenience and Necessity from the Federal Energy Regulatory Commission ("FERC"). The plaintiff/condemnor obtained such a Certificate from FERC on May 21, 2012. Plaintiff has requested immediate possession of the property to be condemned upon a determination by the Court that plaintiff has the power of eminent domain and has properly exercised that power.

If you have any defense to the taking of these properties in which you may have or claim some interest, you are required to serve your answer upon the plaintiff's attorneys, at the address designated in the above caption, within twenty-one (21) days after service of this notice upon you, exclusive of the date of service. Your answer shall:

1. Identify the properties in which you claim to have an interest.
2. State the nature and extent of the interest you claim.
3. State all your objections and defenses-to the taking of the properties.

A FAILURE TO SERVE AN ANSWER SHALL CONSTITUTE CONSENT TO THE TAKING AND TO THE AUTHORITY OF THE COURT TO PROCEED TO HEAR THE ACTION AND TO FIX JUST COMPENSATION, AS WELL AS A WAIVER OF ALL DEFENSES AND OBJECTIONS NOT SO PRESENTED.

If you have no objection or defense to the taking, you may serve upon the plaintiff's attorney a notice of appearance designating the properties in which you claim to be interested, and thereafter you shall receive notice of all proceedings affecting these properties.

At the hearing or trial on the issue of just compensation, whether or not you have answered or served a Notice of Appearance, you may present evidence as to the amount of

compensation to be paid for the properties in which you have any interest, and you may, subject to the proofs that you submit, share in the distribution of the award of compensation.

DECOTHS, FITZPATRICK & COLE, LLP
Attorneys for Plaintiff,
Texas Eastern Transmission, LP

Dated: January 9, 2014

By: s/ Jeffrey D. Smith
Jeffrey D. Smith, Esq (JS-2129)
Glenpointe Centre West
500 Frank W. Burr Blvd.
Teaneck, New Jersey 07666
Tel: (201) 928-1100
Fax: (201) 928-0588

William T. Walsh
Clerk

Deputy Clerk

Date

EXHIBIT A

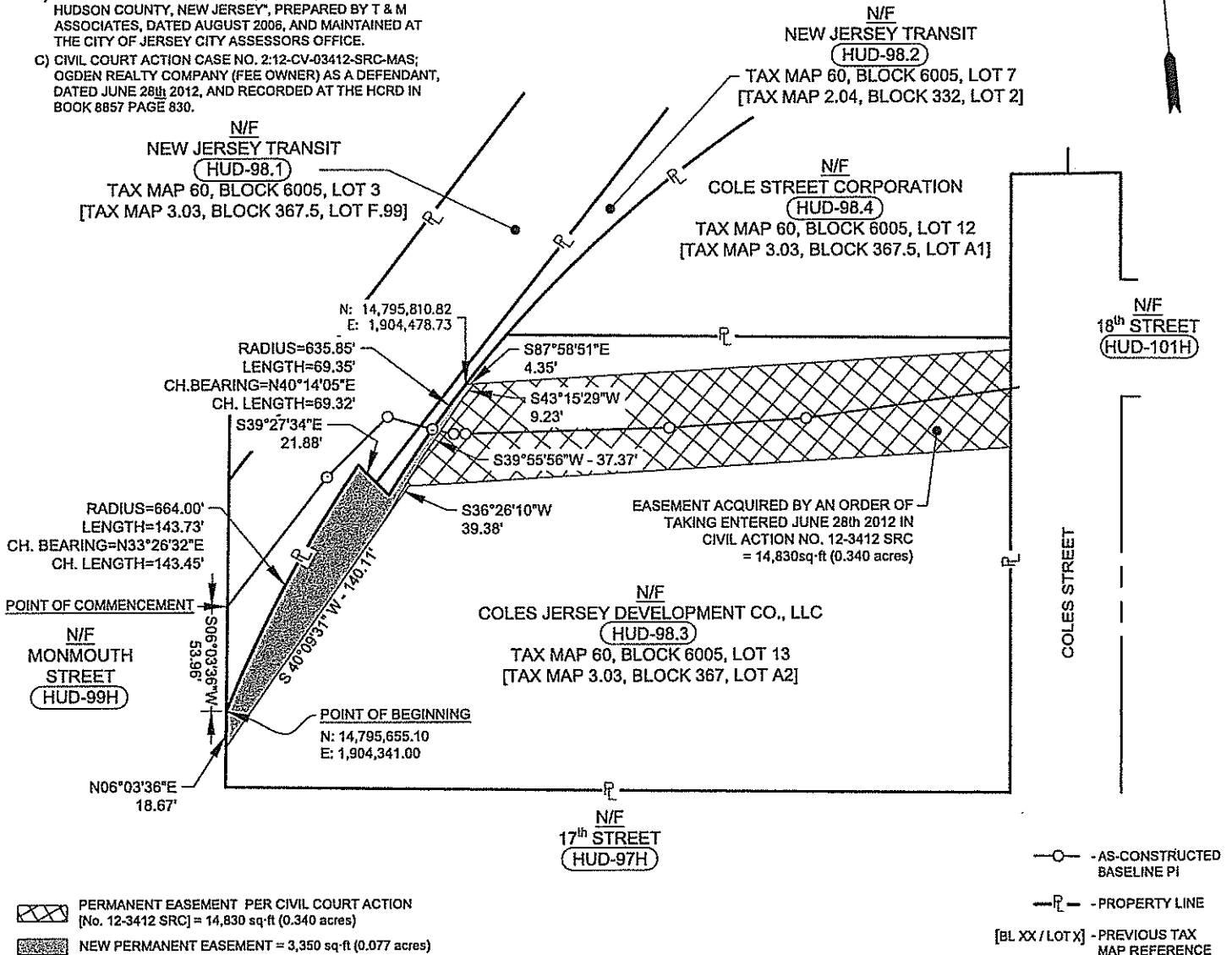
HUDSON COUNTY, NEW JERSEY

CITY OF JERSEY CITY

TRACT HUD-98.3

REFERENCES:

- A) A PLAN ENTITLED "MAJOR FINAL SUBDIVISION MAP", PREPARED BY NAIK-PRASAD, INC., DATED JANUARY 18 2001, AND RECORDED AT THE HCRD AS MAP FILE 3811.
- B) A PLAN ENTITLED "TAX MAP 60, CITY OF JERSEY CITY, HUDSON COUNTY, NEW JERSEY", PREPARED BY T & M ASSOCIATES, DATED AUGUST 2006, AND MAINTAINED AT THE CITY OF JERSEY CITY ASSESSORS OFFICE.
- C) CIVIL COURT ACTION CASE NO. 2:12-CV-03412-SRC-MAS; OGDEN REALTY COMPANY (FEE OWNER) AS A DEFENDANT, DATED JUNE 28th 2012, AND RECORDED AT THE HCRD IN BOOK 8857 PAGE 830.



NOTES:

- CURRENT OWNER:
COLES JERSEY DEVELOPMENT CO., LLC
HCRD DEED BOOK 8922 PAGE 716;
- THE LOCUS PARCEL IS DEPICTED AS LOT 13, BLOCK 6005, ON THE CITY OF JERSEY CITY ASSESSORS MAP 60. ABUTTING PROPERTY OWNER INFORMATION REFERENCED HEREON WAS TAKEN FROM THE HUDSON COUNTY ASSESSOR'S DATA AS OF THE DATE OF THIS SURVEY.
- THE BOUNDARIES AS SHOWN HEREON ARE NOT THE RESULT OF A BOUNDARY SURVEY, ARE BASED ON THE LOCUS DEED(S) AND MAP REFERENCES A & B, AND ARE SUBJECT TO REVISION UPON A FULL SURVEY BEING PERFORMED.
- THE BEARINGS SHOWN HEREON REFER TO UTM ZONE 18
- NORTH OF THE NORTH AMERICAN DATUM OF 1983, US FEET AND ARE BASED ON GPS OBSERVATIONS. DISTANCES SHOWN ARE GRID DISTANCES - APPLY APPROPRIATE SCALE FACTOR TO CONVERT TO GROUND DISTANCES.
- THIS PLAN AND ALL WORK ASSOCIATED WITH IT WAS PERFORMED BY SGC-NY, P.C. PURSUANT TO A PROFESSIONAL SERVICES CONTRACT BETWEEN SPECTRA ENERGY TRANSMISSION, LLC AND SGC-NY, P.C., DATED: JANUARY 3RD, 2012. CERTIFICATE OF AUTHORIZATION NO. 24GA28179000.
- THE FOLLOWING ITEMS HAVE BEEN OMITTED FROM THE PLAN PER THE CONTRACT AGREEMENT:
- FENCE & STREAM LOCATIONS - TRAVELED WAYS
- LOCATION OF BUILDINGS - FOREIGN UTILITY LINES
- PROPERTY CORNERS HAVE NOT BEEN SET PER CONTRACT AGREEMENT.
- THIS PLAN IS THE RESULT OF A FIELD SURVEY CONDUCTED BY SGC-NY, P.C., BETWEEN DECEMBER 2009 AND SEPTEMBER 2013.
- LIMITED SUBSURFACE INVESTIGATION HAS BEEN PERFORMED BY SGC-NY, P.C. NEW JERSEY ONE-CALL SHOULD BE CONTACTED PRIOR TO COMMENCING ANY EXCAVATION (800-272-1000).

PREPARED BY SGC SGC ENGINEERING, LLC 531 County Road Westbrook, Maine 04092 Tel: 207-347-8100 Fax: 207-347-8101	OWNER COLES JERSEY DEVELOPMENT CO., LLC	TRACT NO. HUD-98.3	ALIGNMENT SHT. NO. LD-A-1077
LOCATION HUDSON COUNTY, NJ	ADDDN LINEAR PIPELINE ACROSS PROPERTY ± 4 FT	PERM. ACCESS ROAD ACROSS PROPERTY NA	PERMANENT EASEMENT LOCATION
ADDDN PERMANENT EASEMENT = 0.077 AC.	DRN. BY MMM	CKD. BY DGM	APPD. BY SET
DATE 01/08/2014	SCALE: 0 40 80 1"=80'	DWG. NO. HUD-98.3	SpectraEnergy Texas Eastern Transmission, LP 5400 Westheimer Ct. Houston, TX 77056-5310 (713) 627-5400

TEXAS EASTERN TRANSMISSION, LP
 AREA OF PERMANENT EASEMENT
 TAX MAP 60 BLOCK 6005 LOT 13
 CITY OF JERSEY CITY, HUDSON COUNTY
 NEW JERSEY

A permanent easement of varying width, in over and across the lands of COLES JERSEY DEVELOPMENT CO., LLC, designated as Tax Map 60 Block 6005 Lot 13 (formerly known as Tax Map 3.03 Block 367 Lot A2) on tax maps for the City of Jersey City, Hudson County, New Jersey, and more particularly described in Deed Book 8922 Page 716 as recorded in the Hudson County Registry. Said permanent easement as it pertains to the locus parcel herein is more particularly bounded as follows:

COMMENCING at a point of intersection of the apparent easterly right-of-way line of Monmouth Street being also the westerly boundary of land now or formerly of New Jersey Transit designated as Tax Map 60 Block 6005 Lot 3 with the City of Jersey City, with the baseline of a 30" gas pipeline as constructed, thence;

S 06°03'36" W	by and along said land of New Jersey Transit and the apparent easterly sideline of Monmouth Street a distance of fifty-three and ninety-six hundredths feet (53.96') more or less, to said land of the Grantor being COLES JERSEY DEVELOPMENT CO., LLC and the POINT OF BEGINNING (said point having UTM Zone 18 North NAD83 US Survey Feet Coordinates of North 14,795,655.10 and East 1,904,341.00), thence;
Northeasterly	by and along land of the Grantor and said land of New Jersey Transit, on a curve to the right with a radius of six hundred sixty-four feet (664.00') an arc length of one hundred forty-three and seventy-three hundredths feet (143.73'), and a chord of which bears N33°26'32"E a length of one hundred forty-three and forty-five hundredths feet (143.45') more or less to a point, thence;
S 39°27'43" E	by and along land of the Grantor, said land of New Jersey Transit, and other land now or formerly of New Jersey Transit designated as Tax Map 60 Block 6005 Lot 7 with the City of Jersey City, a distance of twenty-one and eighty-eight hundredths feet (21.88') more or less to a point, thence;
Northeasterly	by and along land of the Grantor and said land of New Jersey Transit, on a curve to the right with a radius of six hundred thirty-five and eighty-five hundredths feet (635.85') an arc length of sixty-nine and thirty-five hundredths feet (69.35'), and a chord of which bears N40°14'05"E a length of sixty-nine and thirty-two hundredths feet (69.32'), more or less to a point (said point having UTM Zone 18 North NAD83 US Survey Feet Coordinates of North 14,795,810.82 and East 1,904,478.73), thence;
S 87°58'51" E	passing through land of the Grantor a distance of four and thirty-five hundredths feet (4.35') more or less to a point on the westerly extent of an existing easement of TEXAS EASTERN TRANSMISSION, LP per an Order of Taking in Civil Action No. 12-3412, thence;
S 43°15'29" W	continuing through land of the Grantor, by and along said existing permanent easement of TEXAS EASTERN TRANSMISSION, LP a distance of nine and twenty-three hundredths feet (9.23') more or less to a point, thence;

S 39°55'56" W continuing through land of the Grantor, by and along said existing permanent easement of TEXAS EASTERN TRANSMISSION, LP a distance of thirty-seven and thirty-seven hundredths feet (37.37') more or less to a point, thence;

S 36°26'10" W continuing through land of the Grantor, by and along said existing permanent easement of TEXAS EASTERN TRANSMISSION, LP a distance of thirty-nine and thirty-eight hundredths feet (39.38') more or less to a point, thence;

S 40°09'31" W passing through land of the Grantor a distance of one hundred forty and eleven hundredths feet (140.11') more or less to a point, thence;

N 06°03'36" E by and along land of the Grantor and the apparent easterly sideline of Monmouth Street a distance of eighteen and sixty-seven hundredths feet (18.67') more or less, to the POINT OF BEGINNING.

The above described permanent easement contains 3,350 square feet or 0.077 acres more or less, and describes only the area of additional permanent, as shown on EXHIBIT A prepared by SGC Engineering, LLC entitled: "PERMANENT EASEMENT EXHIBIT, TRACT NO. HUD-98.3, OWNER: COLES JERSEY DEVELOPMENT CO., LLC, HUDSON COUNTY, NJ", dated: January 8th 2014, unrecorded but made a part of this easement deed.

Also conveying any rights, title, and interest the Grantor may have within the bounds of Monmouth Street to extend the above described easement across and along said roads.

The intent of this deed is to describe and convey a contiguous permanent easement of varying width, in as much the Grantor has rights from the easterly sideline of Monmouth Street and said lands now or formerly of NEW JERSEY TRANSIT, to an existing permanent easement of TEXAS EASTERN TRANSMISSION, LP. Easement limits propagate by, along, and through the land of the Grantor, to the extent as shown on EXHIBIT A or as a subsequent boundary survey may determine.

Bearings and distances are based on UTM Zone 18 North, NAD 83, US Survey Feet. Distances shown are grid distances; apply appropriate scale factor to convert to ground distances.